

**PUBLIC SAFETY
AND
LEGAL ADMINISTRATION COMMITTEE
MINUTES**

JUNE 12, 2007

The regularly scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, June 12, 2007 at 3:22 p.m., in Committee Room #2**. The following members were present:

**The Honorable Cleta Winslow, Chair
The Honorable C. T. Martin, Vice-Chair
The Honorable Anne Fauver
The Honorable Joyce Sheperd**

The following members were absent:

**The Honorable Carla Smith
The Honorable H. Lamar Willis**

Others present at the meeting were: Jerry DeLoach, Amber Robinson and Dianne Mitchell, Law Department; Deputy Chiefs Peter N. Andresen and Turner, Malachi Hull, Police Department; Deputy Chief Meadows, Fire & Rescue; Raines Carter, City Solicitor; Frank Sizer, Jr., Corrections Chief; Chief Judge Deborah Greene, Doug Mincher and Phillip McDonald, Courts; Greg Pridgeon, Office of the Mayor, the media, public and council staff.

Chair Cleta Winslow called the meeting to order at 3:22 p.m. after declaring a quorum present. She then proceeded with the following order of business.

**A. ADOPTION OF AGENDA – ADOPTED AS AMENDED TO ADD ONE
RESOLUTION**

B. APPROVAL OF MINUTES – APPROVED

CONSENT

C. DISCUSSION ITEMS

Problems with online payment of traffic citations – Doug Mincher
Fire Department Accreditation – Deputy Fire Chief Meadow

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D. RESOLUTIONS

Claims with favorable recommendations:

- 07-R-1147 (1) Claim of **Malinda McDuffie**, for damages alleged to have been sustained as a result of striking an open construction cut on May 28, 2006 at 2234 Bolton Road. **\$1,000.00**
- 07-R-1148 (2) Claim of **Jack E. Ayers**, for damages alleged to have been sustained as a result of driving over a metal plate on April 11, 2007 at 3445 Lenox Road. **\$1,749.82**
- 07-R-1149 (3) Claim of **Tara Murphy**, for damages alleged to have been sustained as a result of an automobile accident on February 19, 2007 at Forsyth Street, NW and Peachtree Street, NW. **\$2,872.53**
- 07-R-1150 (4) Claim of **Nancy Bellows**, for damages alleged to have been sustained as a result of an unsecured fire hose falling from a Fire Engine on February 26, 2007 at the intersection of Peachtree Battle and Northside Drive. **\$645.94**
- 07-R-1151 (5) Claim of **Felicia Mason, through her attorney, Jack O. Morse**, for damages alleged to have been sustained as a result of a vehicle accident on July 26, 2005 at Marietta Street, NW and Peachtree Street, NW. **\$13,000.00**
- 07-R-1152 (6) Claim of **Mannis Williams**, for damages alleged to have been sustained as a result of driving over a damaged water valve on October 9, 2006 at the intersection of Moreland Avenue and Delaware Road. **\$955.76**
- 07-R-1153 (7) Claim of **Henry Vaughn**, for damages alleged to have been sustained as a result of a road striping project on June 27, 2005 at Panther Trail and Mount Gilead Road. **\$1,184.46**
- 07-R-1154 (8) Claim of **Atlanta Gas Light Company c/o John Williams, Esq.**, for damages alleged to have been sustained when a gas line was severed during a sewer excavation project on August 21, 2006 at 3330 W. Andrews Drive. **\$874.72**

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 07-R-1155 (9) Claim of **Kreston Barron**, for damages alleged to have been sustained when a vehicle drove over a construction site that was partially covered and left in an unsafe manner on December 15, 2006 at Tenth Street, NW and Fowler Drive, NW. **\$2,000.00**
- 07-R-1156 (10) Claim of **Dwayne Ellis, Spectaguard Acquisition, LLC**, for vehicular damages alleged to have been sustained from an automobile accident on November 22, 2006 at 3400 North Cargo Road. **\$6,099.33**
- 07-R-1157 (11) Claim of **Federal Bureau of Investigation**, for damages alleged to have been sustained from an automobile accident on September 14, 2006 at 675 Ponce de Leon Avenue, NE. **\$650.40**
- 07-R-1158 (12) Claim of **Dorothy Anderson**, for damages alleged to have been sustained as a result of a vehicular accident on April 2, 2007 at Lakewood Terrace and Jordan Street. **\$4,441.13**

Claims with unfavorable recommendations:

- 07-R-1159 (13) Claim of **Marie Grandolt**, for damages alleged to have been as a result of an arrest on October 8, 2005 at 1421 Lockwood Drive.
- 07-R-1160 (14) Claim of **Barbara Sage**, for damages alleged to have been sustained as a result of blasting during construction of a CSO project during 2006 and 2007 at 315 North Garden Lane.
- 07-R-1161 (15) Claim of **Allstate Insurance Company, as subrogee of Christian Hicks**, for damages alleged to have been sustained as a result of an automobile accident on January 16, 2007 at North Avenue and West Peachtree.

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 07-R-1162 (16) Claim of **Michael Gauthier**, for damages alleged to have been sustained as a result of the a water line break on December 15, 2005 at 620 Berne Street.
- 07-R-1163 (17) Claim of **Phil Summerour**, for vehicular damages alleged to have been sustained after driving over a cave-in in the road on January 6, 2007 at 2794 Piedmont Road, NE.
- 07-R-1164 (18) Claim of **David B. Thomas**, for damages alleged to have been sustained due to attorney's fees incurred as a result of a salary dispute from January 18, 2000 through July 17, 2001 at 55 Trinity Avenue, SW.
- 07-R-1165 (19) Claim of **Hazel M. Dean, through her attorney, John M. Foy, Esq., Foy & Associates**, for vehicular damages alleged to have been sustained due to a collision that resulted from a malfunctioning traffic light on October 17, 2006 at W. Wesley Road, NW and Habersham Road, NW.
- 07-R-1166 (20) Claim of **Allstate Insurance Company, as subrogee of insured, Carnell Golden**, for vehicular damages alleged to have been sustained due to an automobile accident on January 19, 2007 on Interstate 75/85 Northbound.
- 07-R-1167 (21) Claim of **Cathy and Webb Spraeztz**, for damages alleged to have been sustained as a result of driving over a construction cut on January 4, 2007 at 1950 Dekalb Avenue.
- 07-R-1168 (22) Claim of **Sebastien Salomone**, for damages alleged to have been sustained as a result of driving over a construction cut on November 15, 2006 at Bardley Street and Decatur Street.
- 07-R-1169 (23) Claim of **Diandi Enterprises, Inc. c/o the Laundry Mat**, for damages alleged to have been sustained during the installation of a sewer main in April 2006 at 1019 Fair Street.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 07-R-1170 (24) Claim of **Harry Perkins**, for damages alleged to have been sustained during a sewer separation project on April 9, 2007 at 548 Holderness Street, NW.
- 07-R-1171 (25) Claim of **Chantel Evans**, for damages alleged to have been sustained as a result of striking metal plates in November 2006 at 1027 Ashby Grove.
- 07-R-1172 (26) Claim of **Ethel Kempson**, for damages alleged to have been sustained as a result of striking a metal plate on September 5, 2006 at 560 Larkin Street.
- 07-R-1173 (27) Claim of **Michael M. Watkins**, for property damages alleged to have been sustained from a sewer backup on November 17, 2005 at 1239 Graymont Drive, SW.
- 07-R-1174 (28) Claim of **Darden Straus, through her attorney, Robert N. Katz, Hewitt, Katz & Stepp**, for bodily injuries alleged to have been sustained from a fall from a bicycle on November 7, 2005 at 1272 W. Paces Ferry Road.
- 07-R-1175 (29) Claim of **Fleet Response**, for damages alleged to have been sustained as a result of an automobile accident on February 16, 2007 at Oakdale Road and McClendon Avenue.
- 07-R-1176 (30) Claim of **Cincinnati Insurance Company, as subrogee of Todd A. Tautfest, through its attorney, Bernard F. Kistler, Jr., Attorney at Law**, for vehicular damages alleged to have been sustained after driving over a construction site that was left open and in an unsafe condition on November 8, 2006 at 1230 West Peachtree, NE.
- 07-R-1177 (31) Claim of **Bruce M. Davidson**, for vehicular damages alleged to have been sustained after driving over a cave-in in the road on January 2, 2006 at 2799 Piedmont Road, NE.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 07-R-1178 (32) Claim of **Carolyn Jones**, for vehicular damages alleged to have been sustained after driving over a cave-in in the road on January 6, 2007 at 2799 Piedmont Road, NE.
- 07-R-1179 (33) Claim of **Scott Siegel**, for vehicular damages alleged to have been sustained after driving over a cave-in in the road on December 18, 2006 at 2799 Piedmont Road, NE.
- 07-R-1180 (34) Claim of **Steve Kapaun**, for vehicular damages alleged to have been sustained after driving over a cave-in in the road on January 6, 2007 at 2799 Piedmont Road, NE.
- 07-R-1181 (35) Claim of **State Farm Insurance Company, as subrogee of insured, Lawanda Hodges**, for vehicular damages alleged to have been sustained due to a collision that resulted from a malfunctioning traffic light on January 22, 2007 at Kirkwood Avenue and Gibson Street.
- 07-R-1182 (36) Claim of **Marlon B. Wilbanks, Esq.**, for damages alleged to have been sustained from continuous water meter leak at 4406 Sentinel View Road, NW.
- 07-R-1183 (37) Claim of **Genillia McKay**, for damages alleged to have been sustained as a result of walking into a pothole on September 30, 2005 at West Peachtree Street and 10th Street.
- 07-R-1184 (38) Claim of **Grady Poole**, for damages alleged to have been sustained as a result of a vehicular incident on August 21, 2006 at Atlanta Hartsfield-Jackson International Airport.
- 07-R-1185 (39) Claim of **Emerginet-SRMC, LLC, through their attorney, Kevin Wilson**, for damages alleged to have been sustained as a result of an unspecified personal injury on August 15, 2005 at an unknown location.
- 07-R-1186 (40) Claim of **Erik Keracik**, for damages alleged to have been sustained as a result of a vehicular incident on February 22, 2007 at Atlanta Hartsfield-Jackson International Airport.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 07-R-1187 (41) Claim of **Eric and Naomi Cox, through their attorney, James Altman, Esq., Altman & Altman**, for property damages alleged to have been sustained from a sewer backup on December 28, 2006 at 1757 Parkhill Drive, Decatur, Georgia.
- 07-R-1188 (42) Claim of **Nelly Ann Marklein and Walter Marklein, through their attorney, Stanley N. Chervin, LLC**, for bodily injuries alleged to have been sustained after tripping and falling on a broken section of sidewalk on October 7, 2006 at Foundry Street and Marietta Street.
- 07-R-1189 (43) Claim of **State Farm Insurance Companies, as subrogee of Alex and Blair King**, for property damages alleged to have been sustained from a combined sanitary and storm water overflow on July 6, 2005 at 2397 Black Forest Trail, SW.
- 07-R-1190 (44) Claim of **Beanie Reeves**, for damages alleged to have been sustained as a result of a trip and fall on August 24, 2006 at 395 Piedmont Avenue, NE.
- 07-R-1191 (45) Claim of **Eric Sullivan**, for damages alleged to have been sustained as a result of an arrest on June 23, 2005 at 511 Irwin Street.
- 07-R-1192 (46) Claim of **Lakeshia Fulton**, for damages alleged to have been sustained as a result of walking on an uncovered water meter box on September 5, 2006 at 643 Holderness Street.
- 07-R-1193 (47) Claim of **Michael and Barbara Meyer, through their attorney, Rose Goff**, for damages alleged to have been sustained as a result of the operation of the Fifth Runway located at 180 Nix Court, Fayetteville, GA.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 07-R-1194 (48) Claim of **Rashad Muhammad, through his attorney, Mawuli Davis**, for damages alleged to have been sustained as a result of loss of business revenue during a sewer main and water main construction project from January 9-21, 2006 at 609 Whitehall Street.
- 07-R-1195 (49) Claim of **Judith Smith**, for damages alleged to have been sustained as a result of driving over an unsecured metal plate on April 10, 2006 at 321 10th Street.
- 07-R-1196 (50) Claim of **Michael and Susan Pesce**, for damages alleged to have been sustained as a result of a sewer backup on January 30, 2007 at 1175 Cumberland Road.
- 07-R-1197 (51) Claim of **Concorde Condominium Association, Inc., through its attorney, Larry W. Jenkins**, for damages alleged to have been sustained during the repair of a water main on July 25, 2006 at 2870 Pharr Court South, NW.
- 07-R-1198 (52) Claim of **SAFECO Insurance Company, as subrogee of Kelley Price**, for damages alleged to have been sustained as a result of an automobile accident on February 6, 2007 at Donald L. Hollowell Parkway and Chappell Road.
- 07-R-1199 (53) Claim of **Leslie Brown, through her attorney, Marc Hawthorne**, for damages alleged to have been sustained as a result of personal injuries on February 16, 2007 at the Hartsfield-Jackson Atlanta International Airport.
- 07-R-1200 (54) Claim of **Catherine Stafford, through her attorney, Gloria Smith-Grimes**, for damages alleged to have been sustained as a result of personal injuries on December 2, 2006 at the Hartsfield-Jackson Atlanta International Airport.
- 07-R-1201 (55) Claim of **Department of Homeland Security Immigration and Customs Enforcement**, for damages alleged to have been sustained as a result of the malfunction of a gate arm on August 23, 2005 at 6000 North Terminal Parkway.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 07-R-1202 (56) Claim of **Joi Bryant**, for damages alleged to have been sustained as a result of driving over a construction cut on January 5, 2007 at 1950 Dekalb Avenue.
- 07-R-1203 (57) Claim of **Toni K. Johnson**, for damages alleged to have been sustained as a result of driving over a construction cut on January 8, 2007 at 1950 Dekalb Avenue.
- 07-R-1204 (58) Claim of **Anthony Williams and Tracy Buchanan Williams**, for damages alleged to have been sustained as a result of driving over a construction cut in December 2006 at 1950 Dekalb Avenue.
- 07-R-1205 (59) Claim of **Jason Gettig**, for damages alleged to have been sustained as a result of driving over a construction cut on December 27, 2006 at 1950 Dekalb Avenue.
- 07-R-1206 (60) Claim of **Giffney Nagel**, for damages alleged to have been sustained as a result of driving over a construction cut on December 15, 2006 at 1950 Dekalb Avenue.
- 07-R-1207 (61) Claim of **Chris Jorel**, for damages alleged to have been sustained as a result of driving over a construction cut on January 8, 2007 at 1950 Dekalb Avenue.
(Councilmember Fauver made a motion to approve Items C1-C61)

FAVORABLE

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E. ORDINANCE FOR FIRST READING

- 07-O-1223 (1) An Ordinance by Public Safety and Legal Administration Committee amending the 2007 (Intergovernmental Grant Fund) Budget, Department of Police, by adding to anticipations and appropriations, the amount of \$4,520,044.00, for grant funds, from the White House Office of National Drug Control Policy, for the purpose of continuing the High Intensity Drug Trafficking Area ("HIDTA") Task Force; to disrupt drug trafficking organizations; and for other purposes.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

REGULAR

F. ORDINANCES FOR SECOND READING

- 07-O-1092 (1) An Ordinance by Public Safety and Legal Administration Committee amending the 2007 (Intergovernmental Grant Fund) Budget, Department of Fire and Rescue, by adding to anticipations and appropriations, the amount of \$25,000.00, for grant funds from the Georgia Emergency Management Agency, in order to repair and purchase equipment for the Department's Georgia Search and Rescue Unit; and for other purposes.
(Councilmember Sheperd made a motion to approve.)

FAVORABLE

- 07-O-1240 (2) An Ordinance by Councilmembers Kwanza Hall and Cleta Winslow to amend Section 10-88.1(e)(5), Article II to Chapter 10 of the Code of Ordinances of the City of Atlanta, Georgia, so as to change the distance requirements for Wine Specialty Shops; and for other purposes.
(Councilmember Fauver made a motion to approve.)

FAVORABLE (1 NAY) MARTIN

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G. RESOLUTION

- 07-R-1222 (1) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor to execute Renewal Agreement No. 1 for FC-6006007877, Inmate Pharmacy Services, on behalf of the Department of Corrections, with Anita Evans in order to provide Pharmaceutical Services at the Atlanta City Detention Center in an amount not to exceed \$60,000.00. All funds shall be charged to and paid from Fund, Account and Center Number: 3P02 (Trust Fund) 524001 (Consultant/Professional Services) and I21W02CL9999 (Inmate Welfare Program.)
(Councilmember Sheperd made a motion to approve.)

FAVORABLE

H. PAPERS HELD IN COMMITTEE

- 06-R-0433 (1) Claim of **Robert Colgin**, for damages alleged to have been sustained as a result of flooding on July 9, 2005 at 3340 Chatham Road, NW. **(Referred back by Council 2/20/06)**
(Held 2/28/06 for further investigation at the request of Councilmember Muller)
- 06-O-1044 (2) An Ordinance by Councilmembers H. Lamar Willis and C. T. Martin to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 162, Article 2, Section 162-61(a) and Chapter 162, Article 2, Section 162-34(f) to allow short breaks in service for Taxicabs; to allow the Chief of Police or his designee, discretion to grant further extension for correction slip matters; to repeal conflicting ordinances; and for other purposes. **(Held 5/9/06 at the request of Councilmember Martin)**
- 06-O-1142 (3) An Ordinance by Public Safety and Legal Administration Committee to waive Section 2-1854 of the City of Atlanta Code of Ordinances to allow for the re-appointment of Barney Simms to the License Review Board; and for other purposes. **(Held 6/13/06 for further review)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 06-O-1601 (4) An Ordinance by Councilman C. T. Martin to amend Article XXIII (Entitled "Vending on Public Property"), Division 1, Section 30-1401, of the Code of Ordinances of the City of Atlanta, Georgia, so as to exempt Disabled Veterans from most of the provisions of the Public Property Vending Code; to waive conflicting ordinances; and for other purposes. **(Held 8/15/06 for further review)**
- 06-R-1719 (5) Claim of **Kay E. Stephensen and Mark T. Gilliland**, for damages alleged to have been sustained as a result of storm water overflow on May 16, 2003 at 1125 Rosedale Drive, NE. **(Held 8/15/06 at request of Councilmember Fauver)**
- 06-O-1908 (6) An Ordinance by Public Safety and Legal Administration Committee amending Chapter 162, Article II, Division 1, Section 162-33 of the Code of Ordinances of the City of Atlanta, Georgia ("City"), on behalf of the Department of Police, Bureau of Taxicabs and Vehicles for Hire ("Department"), for the purpose of increasing the fees the City assesses Taxicab Drivers and Taxicab Companies in order to offset the funding that's provided by the City to subsidize the Department's Operating Budget; to create a Taxicab Re-Inspection Fee; and for other purposes. **(Held 9/12/06 for a work session)**
- 07-O-0078 (7) An Ordinance by Councilmember Cleta Winslow **as amended by Full Council** to amend Chapter 30, Article II, Section 30-26 (b), of the City of Atlanta Code of Ordinances, so that meetings of the License Review Board are not held during the month of December; and for other purposes. **(Amended by Full Council and referred back by Council 1/16/07) (Held 1/30/07 so that a copy of the ordinance can be forwarded to the NPU's for review and comment)**
- 07-O-0249 (8) An Ordinance by Councilmembers Kwanza Hall and Cleta Winslow authorizing the Mayor or her designee to grant an exemption to the City's Distance Requirements for on-premise consumption of alcohol and the sale of wine by the package on the 300 block of Walker Street. **(Held 2/13/07 for further review.)**

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PAPERS HELD IN COMMITTEE (CONT'D)

07-R-0545 (9) Claim of **Nancy Montgomery**, for damages alleged to have been sustained as a result of a water main break during the installation of a sidewalk on June 6, 2006 at 2340 Hurst Drive, NE. **(Referred back from Council 4/16/07) (Held 5/1/07 at the request of Councilmember Shook.)**

I. ITEM NOT ON THE AGENDA

RESOLUTION

07-R-1251 (1) A Resolution by Public Safety and Legal Administration Committee to correct the Fund, Account and Center Number in Resolution Number 07-R-0319 adopted by the Atlanta City Council on March 5, 2007 and approved by the Mayor on March 13, 2007; and for other purposes.
(Councilmember Sheperd made a motion to approve.)

FAVORABLE

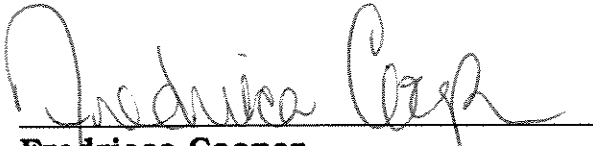
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H. OTHER MATTERS DISCUSSED

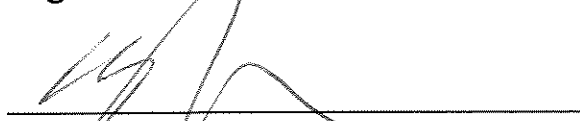
1. Councilmember Martin made a request to the Chair to send a Letter of Thanks to State Representative Joe Wilkinson.
2. Councilmember Martin made a motion to request that the City's Internal Auditor to perform an audit of citations that are processed by the Municipal Court.
3. A tour of the Municipal Court has been arranged with Doug Mincher for July 9, 2007.

There being no further business to come before the Committee, the meeting was adjourned at 5:25 p.m.

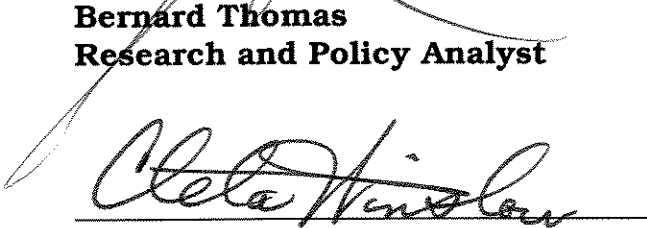
Respectfully Submitted:



Fredriecca Cooper
Legislative Assistant



Bernard Thomas
Research and Policy Analyst



The Honorable Cleta Winslow, Chair
Public Safety and Legal Administration Committee